

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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JAMES CONTANT, MARTIN-HAN TRAN,  
CARLOS GONZALEZ, UGNIUS MATKUS,  
JERRY JACOBSON, and PAUL  
VERMILLION, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, *et*  
*al.*,

Defendants.

Case No. 1:17-cv-03139-LGS

SANDRA LAVENDER, VICTOR  
HERNANDEZ, FX PRIMUS LTD.,  
CHARLES G. HITCHCOCK III, AND TINA  
PORTER, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, *et*  
*al.*,

Defendants.

Case No. 1:17-cv-04392-LGS

**STIPULATION REGARDING CONSOLIDATION AND SERVICE OF THE  
CONSOLIDATED COMPLAINT, AND BRIEFING SCHEDULE**

Plaintiffs James Contant, Martin-Han Tran, Carlos Gonzalez, Ugnius Matkus, Jerry Jacobson, and Paul Vermillion (collectively, "*Contant* Plaintiffs"); plaintiffs Sandra Lavender, Victor Hernandez, FX Primus Ltd., Charles G. Hitchcock III, and Tina Porter (collectively, "*Lavender* Plaintiffs," and together with *Contant* Plaintiffs, "Consolidated Plaintiffs"); and Defendants Bank of America Corporation, Bank of America, N.A., Merrill Lynch, Pierce, Fenner & Smith Incorporated, The Bank of Tokyo-Mitsubishi UFJ, Ltd., Barclays Bank PLC,

Barclays Capital Inc., BNP Paribas (identified in the complaint as “BNP Paribas Group”), BNP Paribas North America, Inc., BNP Paribas Securities Corp., BNP Paribas Prime Brokerage, Inc., Citigroup Inc., Citibank, N.A., Citicorp, Citigroup Global Markets Inc., Credit Suisse Group AG, Credit Suisse AG, Credit Suisse Securities (USA) LLC, Deutsche Bank AG, Deutsche Bank Securities Inc., The Goldman Sachs Group, Inc., Goldman Sachs & Co. LLC, HSBC Holdings PLC, HSBC Bank PLC, HSBC North America Holdings, Inc., HSBC Bank USA, N.A., HSBC Securities (USA) Inc., JPMorgan Chase & Co., JPMorgan Chase Bank, N.A., Morgan Stanley, Morgan Stanley & Co., LLC, Morgan Stanley & Co. International PLC, RBC Capital Markets LLC, The Royal Bank of Scotland Group plc, RBS Securities Inc., Société Générale, Standard Chartered Bank, UBS AG, UBS Group AG, and UBS Securities LLC (collectively, “Defendants”), so as to conserve both party and judicial resources, by and through their respective undersigned counsel, hereby stipulate as follows:

1. *Contant* Plaintiffs filed a complaint in this Court entitled *Contant, et al v. Bank of America Corp., et al*, No. 1:17-cv-03139 on April 28, 2017 (the “*Contant* Complaint”).
2. *Contant* Plaintiffs and Defendants stipulated to a briefing schedule pursuant to which Defendants’ motions to dismiss the *Contant* Complaint would have originally been due on June 19, 2017.
3. *Lavender* Plaintiffs filed a separate complaint in this Court entitled *Lavender, et al v. Bank of America Corp., et al*, No. 1:17-cv-04392, on June 10, 2017 (the “*Lavender* Complaint”).
4. In light of the similar allegations and nature of the *Contant* and *Lavender* Complaints, the Court directed on June 15, 2017 that briefing of Defendants’ motion to dismiss

in *Contant* be stayed pending the parties' attempt to agree upon consolidation and a coordinated briefing schedule in the two actions.

5. Consolidated Plaintiffs will file a consolidated complaint combining both complaints referenced above (the "Consolidated Complaint") on or before June 30, 2017. The parties agree that the *Contant* and *Lavender* actions will be consolidated for all purposes. The parties disagree based on the procedural posture of these cases whether the Consolidated Complaint constitutes an amendment and whether, following the filing of the Consolidated Complaint, plaintiffs will be permitted to amend as of right under Fed.R.Civ.P. 15(a)(1) or Section III.C.2 of the Court's Individual Practices, and this Order shall not have the effect of resolving this issue. Plaintiffs and Defendants each reserve any and all rights in connection with this issue.

6. The *Contant* docket, No. 1:17-cv-03139, will serve as the lead docket for the consolidated class action cases. All orders, pleadings, motions, and other documents shall be filed electronically on the lead docket only. Each document shall indicate if it relates to "All Cases" or only specific cases.

7. Defendants' joint 12(b)(6) Motion to Dismiss and joint 12(b)(2) Motion to Dismiss the consolidated complaint (the "Motions") shall both be due on August 4, 2017.

8. Consolidated Plaintiffs' oppositions shall be due on September 13, 2017.

9. Defendants' joint replies shall be due on October 10, 2017.

10. Pursuant to Fed. R. Civ. P. 4(d), Defendants hereby waive service of the Consolidated Complaint and waive any and all service defects without any further process or request for waiver necessary on Consolidated Plaintiffs' part.

11. Neither Defendants' waiver of such service nor Defendants' entry into this Stipulation shall constitute a waiver of any other defense, including, but not limited to, the defenses of lack of subject matter jurisdiction, lack of personal jurisdiction, or improper venue.

12. Service of the Consolidated Complaint on Defendants shall be deemed effective as of the date the Consolidated Complaint is filed.

Pursuant to Rule 8.5 of the S.D.N.Y. Electronic Case Filing Rules & Instructions, the parties hereby represent that all Defendants listed below consent to this Stipulation.

The Clerk of Court is directed to consolidate case 17 Civ. 3139 (as lead case) with 17 Civ. 4392. The Clerk of Court is further directed to close the higher-numbered case, 17 Civ. 4392.

Dated: June 26, 2017  
New York, New York

**SO ORDERED**

  
**HON. LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Dated: June 23, 2017

Respectfully submitted,

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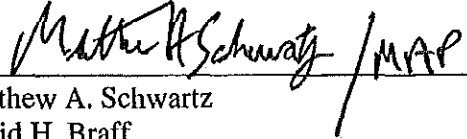
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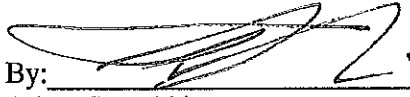
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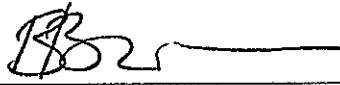
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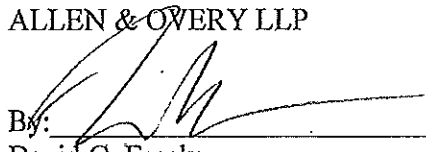
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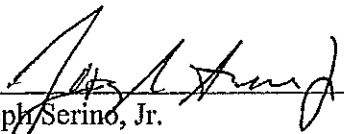
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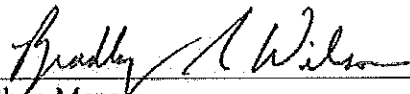
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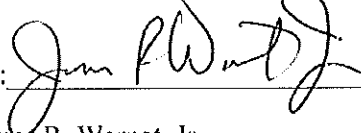
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